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as to relieve it from the friction of the shaft from which it hung and which was revolving at full speed. In so doing the belt slipped and caught the volunteer workman in a sort of loop which carried him around the shaft. Deceased seeing the workman in this perilous position succeeded in rescuing him from it, but in the attempt was himself caught in the belt and whirled over the shaft, sustaining thereby injuries from which he died. Held, that as plaintiff had not been directed to adjust it, the condition of the belt was not the proximate cause of the injury, and although it is not contributory negligence to attempt to rescue a person in peril, no matter whether it was the result of the person's own negligence (*Eckert* v. *Railroad Co.*, 43 N. Y. 502; *Spooner* v. *Railroad Co.*, 115 N. Y. 22, 21 N. E. 696; *Gibney* v. *State*, 137 N. Y. 1, 33 N. E. 142), yet no action would lie against defendant in this case, as its negligence was not the proximate cause of intestate's death.

Attorney and Client—Liability for Negligence—Overlooking First Lien.—Larrall v. *Groman*, 37 Atl. Rep. 98 (Penn.). An attorney searching the record in regard to certain property, held liable to his client for overlooking prior liens, wherein client loaned money on a mortgage of said property on the strength of his stating there were no prior liens.

Gift to Infant—Engagement Ring—Conditions of Marriage—Breach.—Stramberg v. *Rubenstein*, 44 N. Y. Sup. 405. A man cannot recover during the infancy of his former fiancée an engagement ring given her, on the ground that she had broken the engagement.

Monopolies—Combination in Restraint of Trade—Promissory Note.—Milwaukee Masons and Builders Ass'n v. *Niezerowski*, 70 N. W. Rep. 166 (Wis.). The private by-laws of a masons' and builders' association, which consists of most of the mason contractors in a city, are void as in restraint of trade, when they require the members to pay six per cent on all contracts performed by them, and that all bids for work must be first submitted to the association, and six per cent must be added by the lowest bidder to his price before he submits it to the owner or his architect. A note given by a contractor to such an association, of which he was a member, for the percentage due under the by-laws, on a contract for building, is invalid and will not be enforced.

Criminal Law—False Pretenses.—Jules v. *State*, 36 Atl. Rep. 1027 (Md.). A false representation by one that he has superna-

tural power to cure is as to an existing fact and a promise to exercise this power in the future does not overthrow the consequences attached to the false representation.

Collision—Steamships in Harbor.—The Bowden v. *The Decatur H. Miller*, 78 Fed. Rep. 649. The obligation to use care in avoiding collisions is as incumbent upon a vessel lying in harbor and not under sail or steam as upon a moving vessel, and failure to warn approaching vessels of her helpless condition constitutes negligence. In this case the court also held that the approaching steamer, having failed to obtain answer to her signals, was bound to neglect no precaution to prevent risk of collision, even from the fault of the other vessel.

Divorce—Jurisdiction—Domicile.—Dickinson v. *Dickinson*, 45 N. E. Rep. 1091 (Mass.). A husband abandoned his wife, whom he had shortly before married under compulsion, and moved into another State. As soon as the statutory residence had been acquired there he applied for a divorce in that State, and the divorce was granted. The Massachusetts court holds that the fact of the abandonment and the early application for divorce, together with the circumstances of the marriage, warrant the inference that the husband's residence in the foreign State was not a *bona fide* one and that he went there purely for the purpose of obtaining a divorce. Therefore, that other State had no jurisdiction. *Looker* v. *Gerald*, 157 Mass. 42, 31 N.E. 709, distinguished.

Schools—Police Power—Power of State Board of Health—Compulsory Vaccination of Children—Delegation of Legislative Power.—State ex. rel. Adams v. *Burdge et al.*, 70 N. W. Rep. 347. A statute authorizing a State board of health to make such regulations "as may in its judgment be necessary for the protection of the people," from contagious disease and leaving it to decide as to what diseases are contagious, is an unwarranted delegation of legislative power. In the absence of a statute making vaccination a condition precedent to the right to attend public schools, a rule to that effect by the board of health is unreasonable and cannot be sustained as an exercise of the police power of a State, being made when there is no danger of epidemic.